

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA, Plaintiff, vs. DESHAUN HOLMES,	Cr. No. 3:23-cr-140
Defendant.	DEFENDANT'S MOTION TO CONTINUE TRIAL

Comes now Deshaun Holmes, by and through his attorney, Assistant Federal Public Defender Rhiannon Gorham, and moves the Court for its Order extending the trial setting of January 23, 2024, as well as all related pretrial deadlines.

As grounds, Defendant states:

1. Defendant made his initial appearance on July 21, 2023, and was arraigned on August 4, 2023, on an Indictment, charging the Defendant with Robbery of Mail and Property of the United States, Brandishing a Firearm During and in Relation to a Crime of Violence, Theft of a Key Adopted by the Post Office, and Theft of Mail, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii), 1704, 1708, and 2114(a).

2. The Court entered its Criminal Pretrial Order and Jury Trial Notice on August 4, 2023, setting the jury trial for October 3, 2023. Defense counsel filed a motion to continue the trial, and the Court granted the motion, with trial currently being continued to January 23, 2024.

3. Defendant received discovery from the government on August 31, 2023.

4. Defense counsel needs additional time to properly investigate this matter and prepare for trial. Additional investigative work, based on a review of the discovery material, is necessary before defense counsel can competently advise the Defendant if a plea agreement or trial is in his best interests.

5. Defense counsel has advised the Defendant of this motion, its purpose, and constitutional and statutory right to a speedy trial, pursuant to 18 U.S.C. § 3161 et seq. Defendant said he would consent to a continuance and has executed a written consent form, which is being filed contemporaneously with this motion.

6. Defendant is currently detained at the Cass County Jail in Fargo, North Dakota.

7. The Government, through Assistant United States Attorney Matthew Greenley, does not object to this motion.

8. The undersigned, further, represents to the Court that this motion is made neither for purposes of undue delay nor other improper reason. Counsel makes this request for the Defendant in order to have the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

WHEREFORE, Defendant Deshaun Holmes, requests that the Court continue the trial setting to a time past January 23, 2024, and further, that all related pretrial deadlines be continued.

Dated this 25th day of October, 2023.

Respectfully submitted,

JASON J. TUPMAN
Federal Public Defender
By:

/s/ Rhiannon Gorham
Rhiannon Gorham
Assistant Federal Public Defender
Attorney for Defendant
Office of the Federal Public Defender
Districts of South Dakota and North Dakota
112 Roberts Street North, Suite 200
Fargo, ND 58102
Telephone: 701-239-5111
Facsimile: 701-239-5098
filinguser_SDND@fd.org